

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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HERMAN CARLEE McMILLION,

Plaintiff,

- against -

MEMORANDUM & ORDER
24-CV-8591 (PKC) (RLM)

THE INTERNAL REVENUE SERVICE OF
AMERICA and TREASURY
DEPARTMENT,

Defendants.

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PAMELA K. CHEN, United States District Judge:

Herman Carlee McMillion, who also uses the names Herman Carlee McMillian and Herman Carlee McMillan (hereinafter “McMillion”), has filed a multitude of prior *pro se* actions in this District over the course of many years. By Order dated May 20, 2005, the Honorable John Gleeson barred him from filing any *in forma pauperis* (“IFP”) complaint without first obtaining leave of the court. *See McMillian v. Johnson*, No. 05-CV-1562 (JG) (E.D.N.Y. May 20, 2005), Dkt. 7 at 2. Subsequently, on September 1, 2005, Judge Gleeson found that McMillion was barred under the “three strikes” provision of the Prison Litigation Reform Act, 28 U.S.C. § 1915(g), from filing any new IFP complaints unless he demonstrates that he is under imminent danger of serious physical injury. *See In re Herman Carlee McMillian*, No. 05-MC-0197 (E.D.N.Y. Sept. 1, 2005), Dkt. 4.

Presently before the Court is McMillion’s Complaint received December 12, 2024. (Dkt. 1.) McMillion also submitted an unsigned request to proceed IFP, (Dkt. 2), but did not submit the prisoner authorization form required by the Prison Litigation Reform Act, (Not. of Deficient Filing, Dkt. 3). He also submitted documents captioned “Notice of Motion for Special

Circumstances In Forma Pauperis,” (Dkt. 1 at ECF¹ 7–13), and “Show Cause Affidavit of Circumstances In Forma Pauperis,” (*id.* at ECF 14–18). None of his submissions assert that he is under imminent danger of serious physical injury.

Accordingly, McMillion’s request for leave to file is hereby denied. His request to file IFP is accordingly denied as moot. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal would not be taken in good faith and IFP status is denied for the purpose of any appeal. *Coppedge v. United States*, 369 U.S. 438, 444–45 (1962).

SO ORDERED.

/s/ Pamela K. Chen

Pamela K. Chen

United States District Judge

Dated: January 2, 2025
Brooklyn, New York

¹ Citations to “ECF” refer to the pagination generated by the Court’s CM/ECF docketing system and not the document’s internal pagination.